

Application No.: 10/664,783

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Docket No.: 495152000610

**REMARKS/ARGUMENTS**

In the Office Action dated December 16, 2004, claims 11, 15, 16, 21-24, 28-30, 44, 47, 48, 52-55, and 58-60 were rejected, claims 12-14, 17-20, 25-27, 45, 46, 49-51, 56, and 57 were objected to, and claims 31-43 were allowed. Claims 11-60 are pending. Applicants request reconsideration of the rejected claims in view of the following remarks.

**I. Claim Rejections – 35 USC 102**

Claims 11, 15, 24, and 29 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,653,226 (the Reid reference).

Independent claim 11 recites, “a plurality of dummy structures formed within the recessed area.” Independent claim 11 also recites, “a dielectric layer ... having a recessed area and a non-recessed area” and “the dummy structures are inactive areas configured to increase the planarity of a metal layer subsequently formed on the dielectric layer.”

In the Office Action, the Examiner asserts that the Reid reference discloses a plurality of dummy structures formed within the recessed area. In rejecting claim 11, the Examiner primarily refers to Fig. 1A of the Reid reference for support.

Fig. 1A of the Reid reference depicts features 107 formed in dielectric layer 103. Column 1, lines 57-59 disclose that features 107 are high aspect ratio (larger depth than width) features. Column 1, line 59-60 discloses that features 107 are “typically used for conductive lines and vias.”

Thus, Applicants assert that features 107 are not analogous to the dummy structures recited in claim 11. In particular, features 107 are not “formed within the recessed area.” Additionally, features 107 are not “inactive areas configured to increase the planarity of a metal layer subsequently formed on the dielectric layer.” Instead, as noted above, features 107 are the conductive lines and vias. Additionally, Fig. 1A depicts the metal layer formed over features 107 as having a protruding region 111.

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Fig. 1A of the Reid reference also depicts feature 109 formed in dielectric layer 103. Column 1, lines 60-61 disclose that feature 109 is a low aspect ratio (larger width than depth) feature. Column 1, lines 61-62 disclose that feature 109 is "typically used for contact pads."

Thus, Applicants assert that feature 109 is not analogous to the dummy structures recited in claim 11. In particular feature 109 is not "formed within the recessed area." Additionally, feature 109 is not an inactive area "configured to increase the planarity of a metal layer subsequently formed on the dielectric layer." Instead, as noted above, feature 109 is a contact pad. Additionally, Fig. 1A depicts the metal layer formed over feature 109 as having recesses 115.

Therefore, Applicants assert that claim 11 is patentable over the Reid reference. Additionally, Applicants assert that claims 15, 24, and 29, which depend from claim 11, are patentable for at least the reason that they depend from an allowable independent claim.

## II. Claim Rejections -- 35 USC 103

Claims 16, 21-23, 28, 44, 47, 48, 52-55, 58, 59, and 60 were rejected under 35 USC 103 as being unpatentable over the Reid reference as applied to claims 11, 15, 24, and 29 in view of U.S. Patent No. 6,383,917 (the Cox reference).

Independent claim 44 recites, "a plurality of dummy structures formed within the recessed area." Independent claim 44 also recites, "a dielectric layer ... having a recessed area and a non-recessed area" and "the dummy structures are inactive areas configured to increase the planarity of a metal layer subsequently formed on the dielectric layer."

For the reasons set forth above with regard to independent claim 1, Applicants assert that the features 107 and 109 disclosed in the Reid reference are not analogous to the dummy structures recited in claim 44. Thus, Applicants assert that claim 44 is allowable over the combination of the Reid reference and the Cox reference.

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Claims 16, 21-23, 28, 47, 48, 52-55, 58, 59, and 60 depend from independent claims 1 and 44. Thus, Applicants assert that these claims are allowable for at least the reason that they depend from allowable independent claims.

**III. Allowable Subject Matter**

Claims 12-14, 17-20, 25-27, 45, 46, 49-51, 56, and 57 were objected to as being dependent upon a rejected base claim. For the reasons set forth above, Applicants assert that these claims now depend from allowable independent claims, and, thus, are allowable.

Claims 31-43 were allowed. Applicants thank the Examiner for the allowance of these claims.

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**IV. Conclusion**

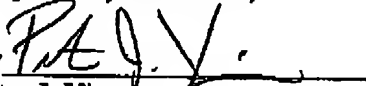
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal form is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **495152000610**. The Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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